

In re Continuation Application of: Dreyer et al.

Filed: HEREWITH

Entitled: A Method of Refinancing a Mortgage Loan and a Closing Package for Same

**Exhibit A**  
**Declaration of Brian J. Lorenzo**  
**Petition to Make Special**

**Claim Chart**

The following claim chart presents a sample of claims infringed by CitiMortgage, Inc. Applicant presents the following claim comparison only as an illustration of the CitiMortgage, Inc. infringement for review by the Commissioner. However, if further comparison of claims and detail is desired, Applicant would be happy to provide same for review.

**Claim 1**

<b><u>Element</u></b>	<b><u>CitiMortgage Material</u></b>
Preamble: "A closing package for a mortgage loan comprising"	CitiMortgage provides customers with a closing package for a mortgage loan.
"closing documents to be executed by a customer"	The CitiMortgage Closing Kit contains at least a mortgage, a note, a title affidavit, and disclosures requiring signature.
"at least one document comprising instructions providing guidance to said customer for completing and executing said closing document in the absence of a meeting, said instructions comprising a checklist of steps for said customer's guidance and steps for a notary's guidance in said completion and execution of said closing documents; and"	Page 1 of the CitiMortgage Closing Kit states that "we want to make this a fast and easy closing process. All you need to do is simply follow the step-by-step instructions on the following page. These steps will guide you through the Instant Closing process." Page 3 of the CitiMortgage Closing Kit contains Mortgage Closing Instructions detailing the steps the customer must take to complete the package and execute the documents without a meeting, including boxes for the notation or checking off of completed items. Page 5 of the CitiMortgage Closing Kit contains instructions for a notary to complete and execute the documents.



*In re* Continuation Application of: Dreyer et al.  
Declaration of Brian J. Laurenzo, Esq.  
Petition to Make Special  
EXHIBIT A

“at least one document comprising a plurality of acknowledgements, agreements and disclosures accommodating variations in legal requirements relating to said closing documents”	The CitiMortgage Closing Kit contains a document entitled Borrower’s Agreements, Acknowledgements and Certifications which contains a plurality of acknowledgments, agreements, and disclosures to accommodate variations in legal requirements, such as a loan servicing disclosure, a notice of right to receive a copy of an appraisal, and flood notice/insurance disclosures.
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CitiMortgage, Inc. infringes claim 1.

**Claim 2**

<b><u>Element</u></b>	<b><u>CitiMortgage Material</u></b>
Preamble: “A method of refinancing a mortgage loan comprising”	The closing kit states: “The CitiMortgage Rate Reduction Program provides you with a first mortgage refinance”
“pre-approving a customer for refinancing of a mortgage loan”	The offer letter states: “As a valued CitiMortgage customer, you have been selected for a new pre-locked rate . . . and a unique Instant Modification” and “This pre-approval offer is made to you because your current loan with us satisfied our eligibility requirements.”  A selected CitiMortgage, Inc. customer is pre-approved for this product.
“sending an offer for said refinancing to said customer, said offer comprising materials setting forth terms of said refinanced mortgage loan, materials providing pre-acceptance disclosures and conditions, and instructions describing how said customer may accept said offer”	An offer letter is sent to a customer. The offer letter contains a pre-locked interest rate, the type of loan, the principal and interest, and a total monthly payment (the terms of the refinanced mortgage loan). Examples of pre-acceptance disclosures and conditions include the eligibility requirements on pg. 2 of the offer letter, and statements such as, “This pre-approval offer is made to you because your current loan with us satisfied our eligibility requirements.” Instructions for describing how the customer can accept the offer are located on pg. 1, i.e., “To receive your new low rate all you need to do is . . . .”

*In re* Continuation Application of: Dreyer et al.  
Declaration of Brian J. Laurenzo, Esq.  
Petition to Make Special  
EXHIBIT A

<p>“at least one of said terms of said refinanced mortgage loan comprising a specific, locked interest rate”</p>	<p>The CitiMortgage offer letter states “you have been selected for a new pre-locked rate of only 4.875%”</p>
<p>“receiving an indication of acceptance of said offer from said customer; and”</p>	<p>The closing kit states: “Your request for an Instant Closing Kit for the CitiMortgage Rate Reduction Program has been processed. By accepting our offer and requesting this kit . . .”</p> <p>CitiMortgage has received an indication of acceptance of the offer from the customer.</p>
<p>“sending a closing package to said customer to be executed by said customer, said closing package comprising closing documents to be executed by said customer, at least one document comprising instructions providing guidance to said customer for completing and executing said closing documents in the absence of a meeting, said instructions comprising a checklist of steps for said customer’s guidance and steps for a notary’s guidance in said completion and execution of said closing documents, and at least one document comprising a plurality of acknowledgements, agreements, and disclosures accommodating variations in legal requirements relating to said closing documents, said execution of said closing documents by said customer creating a refinancing loan agreement.”</p>	<p>As evidenced by the language on the front page of the closing kit, the kit was sent to the customer. The closing kit also includes places for the customer to execute the documents in the closing package, the result of which creates a refinancing loan agreement.</p> <p>Page 1 of the CitiMortgage Closing Kit states that “we want to make this a fast and easy closing process. All you need to do is simply follow the step-by-step instructions on the following page. These steps will guide you through the Instant Closing process.” Page 3 of the CitiMortgage Closing Kit contains Mortgage Closing Instructions detailing the steps the customer must take to complete the package and execute the documents without a meeting, including boxes for the notation or checking off of completed items. Page 5 of the CitiMortgage Closing Kit contains instructions for a notary for completion and execution of the documents.</p> <p>The CitiMortgage Closing Kit contains a document entitled Borrower’s Agreements, Acknowledgements and Certifications which contains a plurality of acknowledgments, agreements, and disclosures to accommodate variations in legal requirements, such as a loan servicing disclosure, a notice of right to receive a copy of an appraisal, and flood notice/insurance disclosures.</p>

CitiMortgage, Inc. infringes claim 2.

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Petition to Make Special  
EXHIBIT A

**Claim 3**

<b><u>Element</u></b>	<b><u>CitiMortgage Material</u></b>
Preamble: "A method of refinancing a mortgage loan comprising:"	The closing kit states: "The CitiMortgage Rate Reduction Program provides you with a first mortgage refinance"
"pre-approving a customer for refinancing of a mortgage loan;"	<p>The offer letter states: "As a valued CitiMortgage customer, you have been selected for a new pre-locked rate . . . and a unique Instant Modification" and "This pre-approval offer is made to you because your current loan with us satisfied our eligibility requirements."</p> <p>A selected CitiMortgage, Inc. customer is pre-approved for this product.</p>
"sending an offer for said refinancing to said customer, said offer comprising materials setting forth terms of said refinanced mortgage loan, materials providing pre-acceptance disclosures and conditions, and instructions describing how said customer may accept said offer;"	<p>An offer letter is sent to a customer. The offer letter contains a pre-locked interest rate, the type of loan, the principal and interest, and a total monthly payment (the terms of the refinanced mortgage loan). Examples of pre-acceptance disclosures and conditions include the eligibility requirements on pg. 2 of the offer letter, and statements such as, "This pre-approval offer is made to you because your current loan with us satisfied our eligibility requirements."</p> <p>Instructions for describing how the customer can accept the offer are located on pg. 1, i.e., "To receive your new low rate all you need to do is . . ."</p>
"at least one of said terms of said refinanced mortgage loan comprising a specific, locked interest rate;"	The CitiMortgage offer letter states "you have been selected for a new pre-locked rate of only 4.875%"
"receiving an indication of acceptance of said offer from said customer; and"	<p>The closing kit states: "Your request for an Instant Closing Kit for the CitiMortgage Rate Reduction Program has been processed. By accepting our offer and requesting this kit . . ."</p> <p>CitiMortgage has received an indication of acceptance of the offer from the customer.</p>

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Petition to Make Special  
EXHIBIT A

<p>“sending a closing package to said customer to be executed by said customer, said closing package comprising closing documents to be executed by said customer, at least one document comprising instructions providing guidance to said customer for completing and executing said closing documents in the absence of a meeting, said execution of said closing documents by said customer creating a refinancing loan agreement.”</p>	<p>As evidenced by the language on the front page of the closing kit, the kit was sent to the customer. The closing kit also includes places for the customer to execute the documents in the closing package, the result of which creates a refinancing loan agreement.</p> <p>Page 1 of the CitiMortgage Closing Kit states that “we want to make this a fast and easy closing process. All you need to do is simply follow the step-by-step instructions on the following page. These steps will guide you through the Instant Closing process.” Page 3 of the CitiMortgage Closing Kit contains Mortgage Closing Instructions detailing the steps the customer must take to complete the package and execute the documents without a meeting, including boxes for the notation or checking off of completed items. Page 5 of the CitiMortgage Closing Kit contains instructions for a notary for completion and execution of the documents.</p>
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CitiMortgage, Inc. infringes claim 3.